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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,223	08/04/2003	Chris Tengwall	122043/167301	6507

51414 7590 07/09/2007
GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

MAIL DATE	DELIVERY MODE
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07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/634,223	Applicant(s) TENGWALL ET AL.	
	Examiner Arezoo Sherkat	Art Unit 2131	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-80.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see the attached for a detailed "Response to Arguments".
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 5/29/2007 have been fully considered but they are not persuasive.

Applicants argue " In evaluating the relevance of Little, it is important to distinguish between "push" and "pull" techniques. A "pull" technique requires the mobile device to initiate data transmission. On the other hand, a "push" technique places the initiative on the wireless connector system. Only one side in a transaction can be the initiator---either the mobile device requests transmission, or the wireless connector system initiates transmission. Little's casual statement means at most that a single system may alternate between the two techniques according to the user's convenience. However one cannot "push" an item while it is also being "pulled" from the other side, and vice versa one cannot "pull" an item while it is also being "pushed" (Remarks, page 15).

Examiner respectfully responds that Little discloses a push-technique or a pull-technique may be used to send user's messages to the user's mobile device. As admitted by the Applicants, Little does disclose the push-technique, which does place the initiative on the wireless connector system: "... If a user has a mobile device, such as 816, messages received by the message server 820 and stored to the user's mailbox 819 are preferably detected by the wireless connector system 828 and sent to the user's mobile device 816" (page 8, par. 67).

Applicants further argue "So while the wireless infrastructure of Little also performs some of the functions of a "relay arrangement" as claimed herein, it

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nonetheless fails to meet the limitations of claim 1 since it is located outside the firewall 808 and not behind it" (Remarks, page 17).

Applicants' claim:

... wherein the relay arrangement is arranged behind the firewall arrangement and is configured to push the data from behind the firewall arrangement to the at least one wireless device,

Examiner therefore responds that regardless of how Applicants want to word it, outside the firewall or behind the firewall, Applicants' disclosure also positions the relay arrangement on the opposite side of the **Wireless Carrier Networks A, B, and C**, equivalent to Little's Wireless Networks 1 and 2. In another word, **the relay arrangement**, equivalent to Little's Wireless connector system 828, is clearly positioned behind/outside the firewall (see figure 8), which is on the same side as the server arrangement, equivalent to Little's Message server 820 , and **the database** (element 200, in figure 2), equivalent to Little's data store 817 (page 8, par. 67).

Referring to par. 79 disclosed by Little, Applicants further argue "neither the activation of a screen saver nor the disconnection from an interface is related to whether a mobile device can or cannot receive data items. For example, a user can disconnect a mobile device from the interface 826 (thus activating the trigger) but the mobile device could be turned off, or the user could travel outside the range of a wireless network. Therefore the only passage in this text relevant to claim 1 is "receipt of a command sent from a mobile device 816 or 818 to the host system to start sending one or more messages stored at the host system." ... But this trigger clearly contemplates a "pull" system--not the "push" approach expressly recited in claim 1.

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Accordingly, Little fails to teach a "push" technique wherein the data is not transmitted until the at least one wireless device can receive the data" (Remarks, page 16).

In page 9, par. 79, Little discloses:

" ... the wireless connector system 828 may detect triggering events associated with the message server 820, such as receipt of a command, or with one or more networked computer systems 822, including the screen saver and disconnection events described above. **When wireless access to corporate data for a mobile device 816 or 818 has been activated at the LAN 806, for example when the wireless connector system 828 detects the occurrence of a triggering event for a mobile device user**, data items selected by the user are preferably sent to the user's mobile device. In the example of the e-mail message 833, **assuming that a triggering event has been detected**, the arrival of the message 833 at the message server 820 is detected by the wireless connector system 828. This may be accomplished, for example, by monitoring or querying mailboxes 819 associated with the message server 820, or, if the message server 820 is a Microsoft Exchange server, then the wireless connector system 828 may register for advise syncs provided by the Microsoft Messaging Application Programming Interface (MAPI) to thereby receive notifications when a new message is stored to a mailbox 819" (page 9, par. 79).

Therefore, Little does disclose a "push" technique wherein the data is not transmitted until a triggering event has been detected such as **when wireless access to corporate data for a mobile device 816 or 818 has been activated at the LAN 806.**

Applicants further argue "that the wireless VPN router discussed in Little does not implement a "push" technique as intended herein. Little mentions the use of an "off-the-shelf VPN component" which "would... make it possible to push information to a mobile device..., at any time." Little at ¶ 0072. However, the VPN feature allows items to be "pushed" only after the VPN has been established. The establishment of the VPN requires the active involvement of the mobile device, which cannot receive the data without first authenticating itself and its user, exchanging encryption keys with the

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wireless VPN router, etc. In other words, the mobile device must initiate the VPN (i.e., "pull" the connection) before any item can be pushed. The present invention allows a true "push" operation without these additional steps (and their associated overhead)" (Remarks, page 16).

In response to applicant's argument that the references fail to show certain features of Applicants' invention, it is noted that the features upon which Applicants rely (i.e., allowing a true "push" operation without these additional steps (and their associated overhead) OR the details of the push operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.
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June 14, 2007


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